

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NEW SON YENG PRODUCE, INC.,

Plaintiff,  
-against-

**MEMORANDUM AND ORDER**

UNITED ONE TRANSPORT, INC., and 14-CV-01931 (FB) (MDG)  
JOHN DOE, person intended to be  
employed or engaged by the corporate  
defendant to operate the truck in this  
action,

Defendants.

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*Appearances:*

*For the Plaintiff:*

LEONARD KREINCES  
900 Merchant Concourse, Suite 305  
Westbury, NY 11590

**BLOCK, Senior District Judge:**

On March 9, 2015, Magistrate Judge Go issued a Report and Recommendation (“R&R”) recommending that default judgment be entered against defendant United One Transport, Inc. (“United One”) in the amount of \$28,752.78, consisting of \$28,352.78 in damages and \$400 in costs, plus prejudgment interest of \$67.65. *See* R&R at 12-13. The R&R provided that failure to object within fourteen days of receipt would preclude appellate review. *See id.* at 17. A copy of the R&R was mailed to United One on March 9, 2015. To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure to timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000)

Magistrate Judge Go’s R&R contains no error, let alone plain error. However, its calculation of prejudgment interest is based on a judgment date of March 31, 2015. Prejudgment interest through today’s date is \$67.23. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk to enter judgment against defendant United One in favor of plaintiff in the amount of \$28,752.78, plus prejudgment interest of \$67.23 and postjudgment interest calculated pursuant to 28 U.S.C. § 1961.

**SO ORDERED.**

/s/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
March 27, 2015